



**2012
BOROUGH OF DUMONT
ORDINANCE**

MEMBERS	AYE	NAY	ABSTAIN	ABSENT
BROPHY	✓			
CARRICK	✓			
FREEMAN	✓			
HAYES	✓			
STYLIANOU				✓
ZAMECHANSKY	✓			
MAYOR KELLY				
TOTALS	5			1

Ordinance No. 1440

Date: March 20, 2012

Page: 1 of 2

Subject: Exceed Municipal Budget Appropriation Limits and Establish a Cap Bank

Purpose: Authorization

Offered by: Carrick
Seconded by: Freeman

Dollar Amount:

Prepared By: Gary Vinci, Borough Auditor

Certified as a true copy of an Ordinance Introduced and Passed by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly
Susan Connelly, RMC, Municipal Clerk
Borough of Dumont, Bergen County, New Jersey

**CALENDAR YEAR 2012
ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the

3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Council of the Borough of Dumont in the County of Bergen finds its advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$146,289 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Mayor and Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Dumont, in the County of Bergen, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Borough of Dumont shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 1.0%, amounting to \$146,289, and that the CY 2012 municipal budget for the Borough of Dumont be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

James J. Kelly, Mayor

ATTEST:

Susan Connelly, RMC
Municipal Clerk

Introduced: March 20, 2012
Adopted:



2012
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MAYOR KELLY				
TOTALS	5			1

Ordinance No. 1441

Date: March 20, 2012

Page: 1 of 4

Subject: New Milford and Virginia Avenues

Purpose: Vacate Portion of Land

Account No. _____

Contract No. _____

Dollar Amount: _____

Prepared By: Gregg Paster, Esq.

Offered by: Carrick

Seconded by: Freeman

Certified as a true copy of an Ordinance Introduced and Passed by the Governing Body of the Borough of Dumont on the above date at a Public Meeting by:

Susan Connelly
Susan Connelly, RMC, Borough Clerk
Borough of Dumont, Bergen County, New Jersey

AN ORDINANCE TO VACATE A PORTION OF NEW MILFORD AVENUE AND VIRGINIA AVENUE IN THE BOROUGH OF DUMONT

WHEREAS, Washington Avenue and New Milford Avenue and Virginia Avenue in Dumont are County roads under the jurisdiction and control of the County of Bergen; and

WHEREAS, the County has realigned the intersections of Washington Avenue with New Milford Avenue and Virginia Avenue; and

WHEREAS, the Borough of Dumont provided portions of the property for the realignment and widening of the aforesaid intersection; and

WHEREAS, as a result of a comprehensive realignment of its intersection with Washington Avenue a portion of New Milford Avenue in Dumont was discontinued in favor of the Borough of Dumont as the same was no longer be needed for County road purpose; and

WHEREAS, the County of Bergen has previously discontinued its use of the former portions of the said New Milford Avenue and Virginia Avenue in favor of the Borough of Dumont by Ordinance number 09-10, adopted on second reading by the Bergen County Board of Chosen Freeholders on April 15, 2009, and published as required by statute, said ordinance having been recorded in the Office of the Clerk of Bergen County in Book V-965 at Page 1891 in the Book of Roads and Rights of Way; and

WHEREAS, the Borough of Dumont now seeks to vacate and the adjacent private property owners have agreed to accept title to and jurisdiction over a portion of New Milford Avenue and Virginia Avenue which is described in metes and bounds (Exhibit "A") and as further shown on a plan entitled "Intersection Improvements, Washington Avenue and New Milford Avenue, Borough of Dumont, Bergen County, New Jersey" dated February 19, 2009, prepared by Neglia Engineering Associates (Exhibit "B") and to convey all such property to the adjacent owners; and

WHEREAS, N.J.S.A. 40:67-1(b) provides that the governing body of the Borough may "...vacate any public street, highway, lane or alley, or any part thereof" under its control or any portion thereof that may be unnecessary for public travel, and

WHEREAS, N.J.S.A. 40:67-21 provides that any road or portion thereof owned by any municipality may be vacated and ceded to the adjoining lot or parcel and control of the private owner thereof wherein the same is situated by ordinance, passed by the affirmative vote of a majority of all the members of the governing body; and

WHEREAS, the Borough Engineer has recommended that a portion of New Milford Avenue (adjacent to Lot 12 in Block 903), and a portion of Virginia Avenue (adjacent to Lot 1 in Block 908) be vacated to the adjacent owners and that the Borough of Dumont shall and does relinquish all jurisdiction over the responsibility for the construction, reconstruction, repair and maintenance thereof to the adjacent owners of Lot 12 in Block 903 and of Lot 1 in Block 908; and

WHEREAS, the vacation of a portion of New Milford Avenue (adjacent to Lot 12 Block 903) and of Virginia Avenue (adjacent to Lot 1 in Block 908) will be subject to a reservation of rights for existing utilities, if any, to remain and be serviced in the discontinued portion of the road unless the utilities choose to remove and relocate them and further subject to existing easements.

NOW, THEREFORE, BE IT ORDAINED UPON THE RECOMMENDATION OF THE BOROUGH ENGINEER AND THE SUPERINTENDENT OF PUBLIC WORKS

AND BY THE AFFIRMATIVE VOTE OF A MAJORITY OF THE BOROUGH COUNCIL OF THE BOROUGH OF DUMONT, COUNTY OF BERGEN, NEW JERSEY, AS FOLLOWS:

Section I: The Borough vacates, abandons, releases and extinguishes any and all County or public rights in and to a portion of New Milford Avenue (adjacent to Lot 12 Block 903) of approximately 757 square feet, and a portion of Virginia Avenue (adjacent to Lot 1 Block 908) of approximately 2748 square feet, as set forth in the attached metes and bounds description set forth in Exhibit "A" and the plan set forth on Exhibit "B".

Section II: The vacation is subject to a reservation of all rights and privileges currently possessed by public utilities, as defined in N.J.S.A. 48:2-13, and any cable television company, as defined in the Cable Television Acts, N.J.S.A. 48:5A-1 et seq., to maintain, repair and replace their existing facilities in, adjacent, over or under the aforesaid land.

Section III: At 7:30 PM on April 17, 2012, at the Borough Council Meeting Chamber, Second Floor, Borough Hall, 50 Washington Avenue, Dumont is fixed as the time and place when and where any and all persons interested in this action may appear and be given an opportunity to be heard and as the time that the Mayor and Council shall meet for final consideration and action upon the ordinance. If, after the public hearing held at the time and place specified the Mayor and Council, by a vote of the majority of all of the members thereof, shall again adopt such ordinance the aforesaid portion of the road shall from thenceforth be deemed to be vacated and abandoned, and shall cease to be a Borough public road or highway, and title to a portion of New Milford Avenue as set forth on Exhibits A and B and a portion of Virginia Avenue as set forth on Exhibit C attached hereto shall be transferred to the adjacent owners of Lot 12 in Block 903, and Lot 1 in Block 908 of the Borough of Dumont, Mr. and Mrs. Charles Chi Pei Ma, and Dr. Rossi, and or their successors in interest as their interests may appear, respectively.

Section IV: Upon the passage of such an ordinance the clerk of the borough, shall prepare a certified copy thereof, and shall cause such certified copy to be served upon the affected property owners.

Section V: Such certified copy shall be served on the affected property owners within 10 days from the date of passage.

Section VI: Within 60 days from the final adoption and publication of the municipal ordinance vacating jurisdiction over a portion of the road, the Clerk of the Municipality shall forthwith file a certified copy of this ordinance in the office of the County Clerk and the latter shall record and index the same in the property records of his office, as set forth in N.J.S.A. 40:67-21.

Section VII: All ordinance and parts of ordinances inconsistent herewith are hereby repealed.

Section VIII: If any portion of this ordinance shall be adjudged unenforceable or otherwise illegal by a court of competent jurisdiction, that portion shall be severed herefrom, and the remaining portions shall remain in full force and effect.

Section IX: This ordinance shall take effect upon final passage as provided by law.

James J. Kelly, Mayor

Attest:

Susan Connelly, RMC
Municipal Clerk

Introduced: March 20, 2012

Adopted: